

deflection) will not necessarily eliminate light from down the road as shown by the example. Additionally, the likelihood of the light source being damaged by installation is probably very small. Furthermore, the other headlamp on the vehicle (presumably in compliance) would not be affected and would continue to help illuminate the roadway, even if there were an adverse change in illumination from the headlamp with the damaged light source. Also as Philips stated regarding filament location, many other factors are involved in roadway illumination for a particular vehicle, e.g. trunk loads move the aim upward and would move the seeing point farther away. Additionally, most state laws on headlamp aim allow headlamp aim range to be ± 0.75 degree. This is over twice the angular error that might result from the worst Philips light source tested. Thus, viewing the totality of the task of properly illuminating the roadway, the probability is very small that any one of the Philips' light sources would result in a materially higher risk of crash involvement.

The agency does not consider PLC's comparison of the FMVSS and SAE tolerances as relevant to this decision. The SAE tolerances are recommended industry practices, but the FMVSS tolerances are mandatory Federal standards.

Overall, for the reasons expressed above, the petitioner has met its burden of persuasion that the noncompliance herein described is inconsequential to motor vehicle safety, and the agency grants PLC's application for exemption from notification of the noncompliance as required by 49 U.S.C. 30118 and from remedy as required by 49 U.S.C. 30120. Although PLC also requested that it be permitted to distribute and sell the noncomplying light sources, the agency's authority under the inconsequentiality provisions is limited to providing relief from the obligation to notify and remedy noncompliances for items already sold to customers. Accordingly, the further sale or distribution of such light sources as PLC has determined do not conform to FMVSS No. 108, whether by PLC or its distributors, would violate 49 U.S.C. 30112(a), and render the violators liable for civil penalties.

(49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.50 and 501.8).

Issued on: January 31, 1997.

L. Robert Shelton,
Associate Administrator for Safety
Performance Standards.

[FR Doc. 97-3041 Filed 2-6-97; 8:45 am]

BILLING CODE 4910-59-P

Surface Transportation Board

Agency Form Submitted for OMB Review

AGENCY: Surface Transportation Board, Office of Economic and Environmental Analysis and Administration.

SUMMARY: The Surface Transportation Board has submitted to the Office of Management and Budget for review and approval the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Type of Request: Reinstatement of an expired form without any change in the substance or in the method of collection.

Title of Form: Annual Report.

OMB Form Number: 2140-0029.

Agency Form Number: R-1.

No. of Respondents: 10.

Total Burden Hours: 8,000.

FOR FURTHER INFORMATION CONTACT:

Requests for copies of the form and supporting documents may be obtained from the Agency Clearance Officer, Ellen R. Keys, (202) 927-5673. Comments regarding this information collection should be addressed to Ward L. Ginn, Jr., Office of Economic and Environmental Analysis and Administration Surface Transportation Board, Washington, DC 20423-0001 and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attn: Desk Officer for the Surface Transportation Board, Washington, DC 20503. When submitting comments, refer to the OMB number and the title of the Form.

SUPPLEMENTARY INFORMATION: The Surface Transportation Board is, by statute, responsible for the economic regulation of surface transportation carriers operating in interstate and foreign commerce. Annual reports are required to be filed by all Class I railroads pursuant to authority in 49 U.S.C. 11145, 11144 and 11901 of the ICC Termination Act (ICCTA). This information collection was approved June 13, 1985 and extended to March 31, 1996.

Decided: January 31, 1997.

Vernon A. Williams,

Secretary.

[FR Doc. 97-3107 Filed 2-6-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-290 (Sub-No. 183X)]

Norfolk Southern Railway Company— Abandonment Exemption—in Greenwood and Newberry Counties, SC

AGENCY: Surface Transportation Board, Transportation.

ACTION: Notice of exemption.

SUMMARY: The Board, pursuant to 49 U.S.C. 10502, exempts Norfolk Southern Railway Company (NS) from the prior approval requirements of 49 U.S.C. 10903 to permit NS to abandon a 13-mile line of railroad between milepost V-58.0, at Conrad, and milepost V-71.0, at Brickdale, in Greenwood and Newberry Counties, SC, subject to an environmental condition and standard employee protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 9, 1997. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2) ¹ and requests for issuance of a notice of interim trail use/rail banking under 49 CFR 1152.28 must be filed by February 18, 1997, petitions to stay must be filed by February 24, 1997, requests for a public use condition conforming to 49 CFR 1152.28(a)(2) must be filed by February 27, 1997, and petitions to reopen must be filed by March 4, 1997.

ADDRESSES: Send pleadings, referring to STB Docket No. AB-290 (Sub-No. 183X) to: (1) Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, NW., Washington, DC 20423; and (2) James R. Paschall, Three Commercial Place, Norfolk, VA 23510-2191.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC Data & News, Inc., Room 2229, 1201 Constitution Avenue, NW., Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

Decided: January 30, 1997.

¹ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).